

SENATE BILL 356

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2004 Regular Session
4r1143
CF 4r1722

By: **Senators Stone and Giannetti (Committee to Revise Article 27 - Crimes and Punishments)**

Introduced and read first time: February 4, 2004

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Involuntary Manslaughter and Voluntary Manslaughter -**
3 **Designations**

4 FOR the purpose of requiring the judge in a case tried before a jury, if there is certain
5 evidence in a case involving a charge of manslaughter and the jury makes a
6 certain finding but does not specify the offense of involuntary manslaughter or
7 voluntary manslaughter, to enter a certain verdict; requiring the judge in a case
8 tried before a judge, if there is certain evidence in a case involving a charge of
9 manslaughter, to specify whether the defendant is guilty of involuntary
10 manslaughter or voluntary manslaughter; providing that, in a case involving
11 the charge of manslaughter, if a defendant enters a guilty plea, the judge shall
12 require the defendant to plead guilty to involuntary manslaughter or voluntary
13 manslaughter; providing that certain terms retain their judicially determined
14 meaning; providing that certain notes contained in this Act are not law; and
15 generally relating to manslaughter.

16 BY repealing and reenacting, with amendments,
17 Article - Criminal Law
18 Section 2-207
19 Annotated Code of Maryland
20 (2002 Volume and 2003 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article - Criminal Law**

24 2-207.

25 (A) IN THIS SECTION, "INVOLUNTARY MANSLAUGHTER" AND "VOLUNTARY
26 MANSLAUGHTER" RETAIN THEIR JUDICIALLY DETERMINED MEANINGS.

27 [(a)] (B) A person who commits manslaughter is guilty of a felony and on
28 conviction is subject to:

- 1 (1) imprisonment not exceeding 10 years; or
- 2 (2) imprisonment in a local correctional facility not exceeding 2 years or
- 3 a fine not exceeding \$500 or both.

4 [(b)] (C) The discovery of one's spouse engaged in sexual intercourse with

5 another does not constitute legally adequate provocation for the purpose of mitigating

6 a killing from the crime of murder to voluntary manslaughter even though the killing

7 was provoked by that discovery.

8 (D) (1) IN A CASE INVOLVING THE CHARGE OF MANSLAUGHTER, IF THERE IS

9 SUFFICIENT EVIDENCE TO ALLOW THE TRIER OF FACT TO FIND THAT THE

10 DEFENDANT IS GUILTY OF EITHER VOLUNTARY MANSLAUGHTER OR INVOLUNTARY

11 MANSLAUGHTER:

12 (I) IN A CASE TRIED BEFORE A JURY, IF THE JURY FINDS THE

13 DEFENDANT GUILTY OF MANSLAUGHTER BUT DOES NOT SPECIFY WHETHER IT IS

14 VOLUNTARY MANSLAUGHTER OR INVOLUNTARY MANSLAUGHTER, THE JUDGE

15 SHALL ENTER A VERDICT OF GUILTY OF INVOLUNTARY MANSLAUGHTER; OR

16 (II) IN A CASE TRIED BEFORE A JUDGE AS THE TRIER OF FACT, IF

17 THE JUDGE FINDS THE DEFENDANT GUILTY OF MANSLAUGHTER, THE JUDGE SHALL

18 SPECIFY WHETHER IT IS VOLUNTARY MANSLAUGHTER OR INVOLUNTARY

19 MANSLAUGHTER.

20 (2) IN A CASE INVOLVING THE CHARGE OF MANSLAUGHTER, IF THE

21 DEFENDANT ELECTS TO ENTER A GUILTY PLEA, THE JUDGE SHALL REQUIRE THAT

22 THE DEFENDANT PLEAD GUILTY TO EITHER VOLUNTARY MANSLAUGHTER OR

23 INVOLUNTARY MANSLAUGHTER.

24 COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27 - CRIMES AND

25 PUNISHMENTS): This section is amended to assist the parole authority in

26 determining an inmate's eligibility for parole.

27 SECTION 2. AND BE IT FURTHER ENACTED, That the Committee Note

28 contained in this Act is not law.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect

30 October 1, 2004.